

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus *et al.*

Serial No.: Not Yet Assigned

Filed: Concurrently Herewith

For: Corynebacterium Glutamicum Genes Encoding  
Proteins Involved in Homeostasis and Adaptation

Attorney Docket No.: BGI-132CPCN

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Mail Stop Patent Application  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

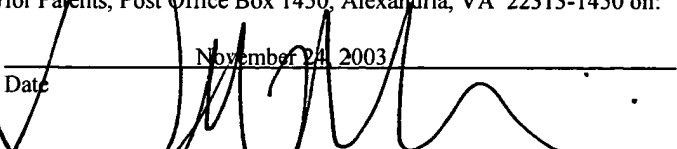
**ASSOCIATE POWER OF ATTORNEY**

Dear Sir:

The undersigned attorney has the power of attorney in the subject application. She hereby grants an associate power to:

**Lisa M. DiRocco, Esq.**  
**Registration No. 51,619**  
**LAHIVE & COCKFIELD, LLP**  
**28 State Street**  
**Boston, MA 02109**

Please continue to forward all written and telephonic communications to Elizabeth A. Hanley at **Customer Number 000959** whose address is Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109.

<b><u>Certificate of Express Mail</u></b>	
I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service as Express Mail Airbill No. EL 831 966 886 US, in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450 on:	
Date	November 24, 2003
	
Debra J. Milasincic, Esq.	Reg. No. 46,931

LAHIVE & COCKFIELD, LLP

Attorneys at Law

By: 

Debra J. Milasincic, Esq.  
Registration No. 46,931  
Attorney for Applicants

**Date: November 24, 2003**

**Customer Number: 000959**

**Attorney's  
Docket  
Number BGI-132CP**

**DECLARATION, PETITION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CORYNEBACTERIUM GLUTAMICUM GENES ENCODING PROTEINS  
INVOLVED IN HOMEOSTASIS AND ADAPTATION**

the specification of which:

\_\_\_\_\_ is attached hereto.

  X   was filed on June 23, 2000 as Application Serial No. 09/603,124  
and was amended on \_\_\_\_\_  
(if applicable)

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

## CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

☐ no such applications have been filed.

☒ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
DE	19931418.7	07/08/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932124.8	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932126.4	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932127.2	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932133.7	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932207.4	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932208.2	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932225.2	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932229.5	07/09/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19932914.1	07/14/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19933006.9	07/14/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19940765.7	08/27/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19940768.1	08/27/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19940831.9	08/27/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19940832.7	08/27/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19941385.1	08/31/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19941396.7	08/31/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
DE	19942087.4	09/03/99	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/141,031  
(Application Serial No.)

June 25, 1999  
(Filing Date)

60/143,694  
(Application Serial No.)

July 14, 1999  
(Filing Date)

60/151,778  
(Application Serial No.)

August 31, 1999  
(Filing Date)

## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

(Application Serial No.)	(Filing Date)	(Status)
		(patented,pending,aband.)

(Application Serial No.)	(Filing Date)	(Status)
		(patented,pending,aband.)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James E. Cockfield	Reg. No. 19,162	Jeanne M. DiGiorgio	Reg. No. 41,710
Thomas V. Smurzynski	Reg. No. 24,798	Megan E. Williams	Reg. No. 43,270
Ralph A. Loren	Reg. No. 29,325	Nicholas P. Triano III	Reg. No. 36,397
Giulio A. DeConti, Jr.	Reg. No. 31,503	Peter C. Lauro	Reg. No. 32,360
Ann Lamport Hammitte	Reg. No. 34,858	Timothy J. Douros	Reg. No. 41,716
Elizabeth A. Hanley	Reg. No. 33,505	DeAnn F. Smith	Reg. No. 36,683
Amy E. Mandragouras	Reg. No. 36,207	William D. DeVaul	Reg. No. 42,483
Anthony A. Laurentano	Reg. No. 38,220	David J. Rikkers	Reg. No. 43,882
Jane E. Remillard	Reg. No. 38,872	Chi Suk Kim	Reg. No. 42,728
Jeremiah Lynch	Reg. No. 17,425	Maria Laccotripe Zacharakis	Limited Recognition Under 37 C.F.R. § 10.9(b)
Kevin J. Canning	Reg. No. 35,470	Debra J. Milasincic	Reg. No. P46,931
David A. Lane, Jr.	Reg. No. 39,261	David R. Burns	Reg. No. P46,590
Catherine J. Kara	Reg. No. 41,106		

Send Correspondence to Giulio A. DeConti, Jr., Esq. at Customer Number: 000959 whose address is:

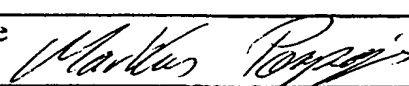
Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109

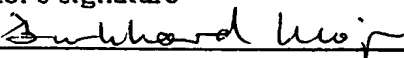
Direct Telephone Calls to: (name and telephone number)

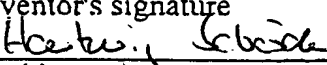
Giulio A. DeConti, Jr., Esq., (617) 227-7400

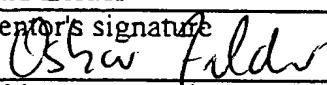
Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Markus Pompejus	
Inventor's signature 	Date July 06, 2000
Residence Wenjenstrasse 21, 67251 Freinsheim, Germany	
Citizenship Germany	
Post Office Address (if different)	

Full name of second inventor, if any Burkhard Kröger	
Inventor's signature 	Date July 06, 2000
Residence Im Waldhof 1, 67117 Limburgerhof, Germany	
Citizenship Germany	
Post Office Address (if different)	

Full name of third inventor, if any Hartwig Schröder	
Inventor's signature 	Date July 06, 2000
Residence Goethestr. 5, 69226 Nussloch, Germany	
Citizenship Germany	
Post Office Address (if different)	

Full name of fourth inventor, if any Oskar Zelder	
Inventor's signature 	Date July 06, 2000
Residence Rossmarktstr. 27, 67346 Speyer, Germany	
Citizenship Germany	
Post Office Address (if different)	

Full name of fifth inventor, if any Gregor Haberhauer	
Inventor's signature 	Date July 06, 2000
Residence Moselstr. 42, 67117 Limburgerhof, Germany	
Citizenship Germany	
Post Office Address (if different)	